

Serial No. 09/893,687
Amdt. Dated March 31, 2005
Reply to Office Action of January 13, 2005

Docket No. K-0298

Amendments to the Drawings:

The attached drawings include changes to Figures 7-8. These sheets, which include Figures 7-8, replace the original sheets including Figures 7-8. Figure 7 has been amended to include yes/no annotations leading from decision block S141. Figure 8 has been amended to correct a typographical error.

Attachments: Annotated Sheets Showing Changes (2)
Replacement Sheets (2)

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REMARKS/ARGUMENTS

Claims 8-50 are pending in this application. By this Amendment, the drawings, Abstract, specification, and claims 8-41 are amended, claims 42-50 are added, and non-elected claims 1-7 are cancelled without prejudice or disclaimer. The drawings, Abstract, and specification are amended for clarification purposes only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Restriction Requirement

Applicants maintain their traversal of the Restriction/Election Requirement set forth in the Patent Office communication dated September 2, 2004. However, merely for the purpose of expediting prosecution, non-elected claims 1-7 have been cancelled without prejudice or disclaimer to be pursued in a Divisional application.

II. Rejection(s) Under 35 U.S.C. §103(a)

The Office Action rejects claims 8-24, 27, and 29-41 under 35 U.S.C. §103(a) as unpatentable over Figures 1-3 of the present application in view of U.S. Patent No. 6,823,299 to Contreras et al. (hereinafter “Contreras”). The rejection is respectfully traversed.

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Independent claim 8 recites, *inter alia*, modeling a three dimensional (3D) image of the required product and displaying a corresponding 3D image of the required product on a web page, simulating a 3D installation of the product in a venue in which the product is to be installed and displaying the simulated 3D installation on the web page, and receiving information required for selling the product if a purchase order for the product is received, returning to a prior step if a cancel order is received, and repeating the foregoing steps if a request for a search for alternate products is received. As acknowledged by the Examiner in the remarks regarding independent claim 8, Figures 1-3 of the present application neither disclose nor suggest such features. Further, Contreras fails to overcome the deficiencies of Figures 1-3 of the present application.

Contreras discloses a three dimensional (3D) graphic system including a computer 100 with a graphics program 118 stored in the computer's random access memory (RAM) 104 and linked to one or more external devices via a data communications device 108 and a fixed or removable data storage device 106. The graphics program 118 includes a graphical user interface (GUI) 200, an image engine (IM) 202 including a directed multi-graph (DMG) engine 204, and a database 206 for storing drawing (DWG) files 208. Information is displayed and functionality provided to a user through the GUI 200.

Contreras' disclosure is directed at the content of the graphics program 118, and the varied use of nodes, edges, and events to generate simple graphs (one node and no edges),

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directed graphs (a plurality of nodes and edges, edges have a direction), and cyclic directed graphs (a plurality of nodes and edges, edges have a direction and may cycle back to previous node) in response to user cueing. A detailed description of this process is provided by Contreras (see column 4, line 27 – column 6, line 45 of Contreras), followed by a number of examples of the general logic used in developing a 3D graphic image. Contreras simply presents the internal logic and functions by which such 3D images are prepared given the appropriate dimensions and parameters. However, Contreras does not disclose or suggest generating a 3D image of a product, and then simulating an installation of that product in a particular venue on a web page as recited in independent claim 8.

Further, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation in the references themselves to combine the references. It is respectfully submitted that there would have been no motivation to combine the 3D graphic system disclosed by Contreras with the system disclosed in Figures 1-3 of the present application to arrive as the invention as recited in independent claim 8. More specifically, paragraph 6 of the specification sets forth that a deficiency of the system shown in Figures 1-3 of the present application is that buyers must often return a product because the product is not satisfactory, and does not meet various required installation requirements. However, the portion of the disclosure specifically related to Figures 1-3 does not disclose or suggest that this deficiency could be overcome by the use of a 3D graphical imaging system, nor that a 3D graphics program such as the system set

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forth by Contreras could be integrated into a selling system as set forth in Figures 1-3 of the present application, nor that it would be advantageous to do so. Likewise, Contreras' system provides generic logic by which 3D images may be prepared within a graphics program, but does not disclose or suggest that such logic could be incorporated into a selling system which conducts the method steps as recited in independent claim 8 in conducting a sale of a product. Thus, it is clear that the Examiner's combination of Figures 1-3 of the present application and Contreras is based on impermissible hindsight gleaned from Applicants' own disclosure.

For at least these reasons, it is respectfully submitted that independent claim 8 is allowable over the applied combination, and thus the rejection of independent claim 8 under 35 U.S.C. §103(a) over Figures 1-3 of the present application in view of Contreras should be withdrawn. Dependent claims 9-24, 27, and 29-41 are allowable at least for the reasons set forth above with respect to independent claim 8, from which they depend, as well as for their added features.

The Office Action rejects claims 25-26, 28, 35-36, and 40-41 under 35 U.S.C. §103(a) as unpatentable over Figures 1-3 of the present application in view of Contreras, taking Official Notice, without providing support from a secondary reference, that the features cited on page 5, item 4 of the Office Action are old and well known. The rejection is respectfully traversed.

Dependent claims 25-26, 28, 35-36, and 40-41 are allowable over Figures 1-3 of the present application and Contreras at least for the reasons discussed above with respect to

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independent claim 8, from which they depend, as well as for their added features. Further, as afforded under MPEP 2144.03, Applicants respectfully request that the Examiner provide documentary evidence to support such a conclusion. If a secondary reference is not available, then the rejection must be based on facts within the personal knowledge of the Examiner. If this is the case, Applicants respectfully request an affidavit or declaration setting forth specific factual statements and explanation to support this finding, as set forth in MPEP 2144.03(C).

III. New Claims 42-50

New claims 42-50 are added to the application. New dependent claims 42-48 are allowable at least for the reasons set forth above with respect to independent claim 8, from which they depend, as well as for their added features. Further, it is respectfully submitted that new claims 49-50 also define over the applied prior art and meet the requirements of 35 U.S.C. §112.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Joanna K. Mason, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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FIG. 7

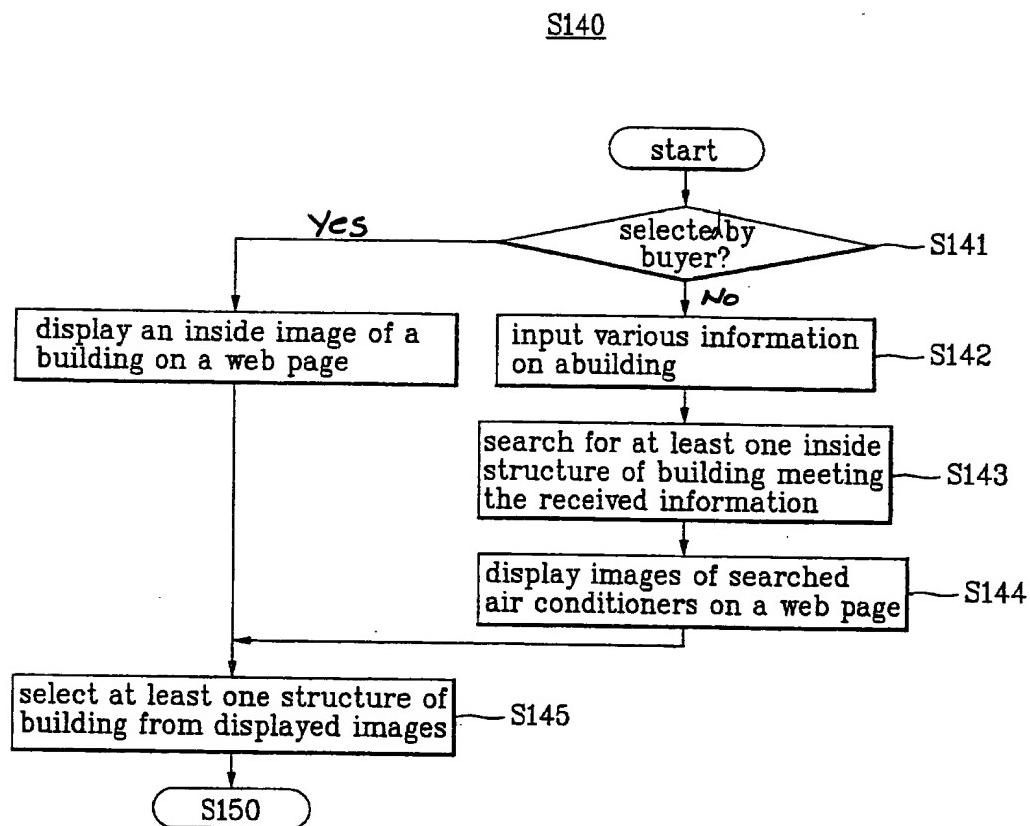




FIG.8

S150

